IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

-

WRIT PETITION NO : 10010 of 2005

Between:

Jubilee Technocrate Pvt. Ltd., Khushal Towers, 707 B
Rep. by its Managing Director,

Javvadi Subhash Chandrabose

S/o. J.S. Venkateswara Rao
aged about 38 yrs, Hindu, Business,

R/o. at Hyderabad.

..... PETITIONER

AND

The Chief Engineer, Panchayat Raj,.

NABARD, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction declaring the action of the respondent in not permitting the petitioner to down load the tender schedules for the works notified by the respondent vide. Notification NIT.NO. CE(PR) nabard DT. 6-4-2005 as illegal, arbitrary and unjust and pass such other order or orders as this Hon'ble court may deem fit.

Counsel for the Petitioner: MR.K.CHIDAMBARAM

Counsel for the Respondent: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORAL ORDER:

Petitioner filed this writ petition seeking a declaration that the action of the respondent in not permitting the petitioner to download the tender schedules for the works notified by the respondent *vide* Notification NIT.No.CE(PR) NABARD dated 06-04-2005 is illegal and arbitrary.

It is stated in the affidavit filed in support of the writ petition that the petitioner-Company submitted an application, duly complying with all the formalities, to the competent authority to register it as Class-I Contractor for all categories of works. Inasmuch as the said application was not considered, the petitioner filed W.P.No.9024 of 2005, which was disposed of on 25-04-2005 directing the respondents therein to consider the application of the petitioner within a period of one week. Thereafter the respondent issued tender notice, as per which, intending participants can download the tender schedules. But, the respondent is not allowing the petitioner to download the tender schedule due to lack of registration. Aggrieved by the same, this writ petition is filed.

Heard both sides. Perused the entire material available on record.

Admittedly, as per the tender conditions only Class-I contractors are eligible to submit their tenders for the various works mentioned in the said notification. Even according to the averments in the writ petition, petitioner is not yet registered as a Class-I Contractor. In that view of the matter, the submission of the petitioner that any intending participants can download the tender schedules and submit their tenders for the various works is unsustainable. Mere directions issued by this Court in W.P.No.9024 of 2005 to consider the petitioner's candidature for registration as Class-I contractor is no ground to entertain the writ petition.

Writ Petition is devoid of merits, and the same is accordingly dismissed without any order as to costs.

28-04-2005

LUR

Copy to:

1 The Chief Engineer, Panchayat Raj,

NABARD, Hyderabad.

2 Two CCs to the G.P. for Panchayat Raj,

High Court Buildings, High Court of A.P.,

Hyderbad.(O.U.T.)

3 Two CD copies.